

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**TROUT POINT LODGE, LIMITED,
A Nova Scotia Limited Company;
VAUGHN PERRET and
CHARLES LEARY,**

V.

DOUG K. HANDSHOE

CAUSE NO. 1:12cv90-LG-JMR

MOTION FOR APPOINTMENT OF SPECIAL PROCESS SERVER

NOW INTO COURT, through undersigned counsel, comes defendant, Doug K. Handshoe, who respectfully moves this Honorable Court under Federal Civil Procedure Rules 4 and 4.1 to appoint Mr. Don Acker, agent for Barrister Wayne S. Rideout, Esq., County of Shelburne, Province of Nova Scotia to serve the attached Writ of Execution on the foreign Plaintiffs that seizes certain personal property that is owned by the Plaintiffs within this judicial district.

The Court awarded Defendant Handshoe \$48,000 in statutory attorney's fees on December 11, 2013. (*See* Order, ECF No. 56). The related judgment in that amount plus statutory interest remains unpaid as of this date.

The Plaintiffs in this civil action are stateless United States citizens permanently residing at the lodge and cabins located on Trout Point Road, Kemptville, Nova Scotia B5A 5X9, outside the jurisdiction of the United States

Marshals Service. The registered office for Trout Point Lodge, Limited is located at 189 Trout Point Road, Kemptville, Nova Scotia B5A 5X9.

Despite Charles Leary and Vaughn Perret representing to this Honorable Court via email communication on November 29, 2016 that, “As a final note, none of the Plaintiffs have any assets in Mississippi”, the defendant has ascertained that the Plaintiffs misled this Court as they own personal property in this judicial district in the form of choses in action in the Mississippi Circuit Court case styled *Trout Point Lodge, Limited et al v Douglas Handshoe*, Civil Action Number 15-0458, Circuit Court of Hancock County and associated miscellaneous Civil Action Number 12161 in the Circuit Courts of Hancock and Stone Counties Mississippi.

Since the Plaintiffs in this action reside outside the territorial limits of the United States, a Court Appointed Process Server must be engaged to serve the Writ of Execution upon the Plaintiffs pursuant to Rule 4.1(a). The defendant has hired, via Barrister Wayne S. Rideout, Mr. Don Acker to serve the Writ upon the Plaintiffs in Nova Scotia. Defendant represents to this Court that Mr. Acker is a resident of Nova Scotia, is over the age of 18, has no interest in this civil matter and is working under the supervision of Barrister Rideout.

The defendant prays the Court finds this Motion to have merit and appoint Mr. Don Acker, Post Office Box 662, Shelburne Nova Scotia B0T 1W0 as special process server to serve the Writ of Execution upon the Plaintiffs in this matter.

Respectfully submitted this 28th day of July, 2017,

/s/ G. Gerald Cruthird
G. GERALD CRUTHIRD
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CERTIFICATE OF SERVICE

I, G. Gerald Cruthird, Attorney for Doug K. Handshoe, do hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk and via U. S. Mail upon any non-ECF participants at their addresses of record at 189 Trout Point Road, Kemptville, Nova Scotia, B5A 5X9 and 140 Trout Point Road, Kemptville, Nova Scotia, B5A 5X9.

So certified, this 28th day of July, 2017,

/s/G. Gerald Cruthird

G. GERALD CRUTHIRD

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